



Federal Communications Commission
Washington, D.C. 20554

AUG 31 2000

The Honorable Ileana Ros-Lehtinen
U. S. House of Representatives
2160 Rayburn Building
Washington, DC 20515

Dear Congresswoman Ros-Lehtinen:

Thank you for your letter regarding the Commission's initiative to facilitate development of telecommunications competition in multiple tenant environments. On July 7, 1999, the Commission released its *Notice of Proposed Rulemaking (NPRM)* in WT Docket No. 99-217 and CC Docket No. 96-98. Among other things, the *NPRM* sought comment on the Commission's authority to take action to ensure that competitive local telecommunications service providers will have reasonable and nondiscriminatory access to rights-of-way, buildings, rooftops, and facilities in multiple tenant environments. In your letter, you express concern regarding the legal and practical implications of potential actions discussed in the *NPRM*.

The *NPRM* represents one step in the Commission's ongoing efforts to foster competition in local telecommunications markets pursuant to Congress' directive in the Telecommunications Act of 1996. These efforts are intended to bring the benefits of competition, choice, and advanced services to all consumers of telecommunications, including both businesses and residential customers, regardless of where they live or whether they own or rent their premises. In particular, this item addresses issues that bear specifically on the availability of facilities-based telecommunications competition to customers in multiple tenant environments, including, for example, apartment buildings, office buildings, office parks, shopping centers, and manufactured housing communities.

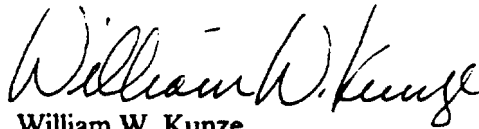
Your letter notes that, in the current competitive market, buildings need to be wired to accommodate a variety of telecommunications options. You also note the view that building owners are better able to serve their tenants' interests if they can negotiate contracts for telecommunications providers. Finally, you express concern that, due to space limitations in buildings, building owners must be able to carefully manage and control access for telecommunications facilities.

The Commission has not yet reached any conclusions regarding the matters discussed in the *NPRM*. The Commission is currently reviewing over 1000 comments that were filed in response to the *NPRM* and a related *Notice of Inquiry* by telecommunications companies, electric utilities, building owners, and State and local governments, including comments that address both the legal and practical issues. Based on that record, the Commission will consider carefully what regulations, if any, are appropriate in light of current market conditions. Moreover, as your letter

indicates, the Commission recognizes that certain potential actions discussed in the *NPRM* raise important issues regarding the property rights of building owners. The Commission has not decided whether to take any action, but let me assure you that we are committed to ensuring that any requirements we adopt would comport with all laws relating to property rights. To this end, our General Counsel's office will be working closely with other Commission staff to evaluate carefully the legal issues raised by the *NPRM*.

I appreciate your interest and participation in this proceeding. Your letter will be placed in the record of this proceeding and given full consideration along with all other comments. Please let me know if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "William W. Kunze". The signature is fluid and cursive, with the first name "William" and last name "Kunze" being the most prominent parts.

William W. Kunze

Chief, Commercial Wireless Division
Wireless Telecommunications Bureau

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ORIGINAL

Congress of the United States
House of Representatives

ILEANA ROS-LEHTINEN
18TH DISTRICT, FLORIDA

July 24, 2000

Mr. William E. Kennard, Chairman
Federal Communications Commission
445-12th Street, SW
Washington, DC 20554

Dear Mr. Kennard:

I have been contacted by members of the National Association of Industrial and Office Properties (NAIOP) and constituents of my Congressional district, Mr. Mario Facella and Mr. John B. Geisen, regarding the Federal Communications Commission's (FCC) proposal to adopt telecommunications forced access rules (Notice of Proposed Rule Making in WT Docket No.99-217).

In their communications with me, my constituents state that they strongly oppose this proposed rule-making because they believe that the rules violate the property rights of building owners. Mr. Facella and Mr. Geisen further explain that forced access will not allow private property owners to determine which telecommunications providers will have access to their buildings.

Additionally, my constituents state that there is a finite amount of space available in the buildings for telecommunications access that must be carefully managed to accommodate a variety of systems. They feel that in today's market, wired buildings are no longer a luxury but a necessity and explain that property owners best serve their tenants' interests when they are able to negotiate contracts for telecommunications access providers.

Mr. Geisen and Mr. Facella appreciate your attention to this matter.

Sincerely,

Ileana Ros-Lehtinen
Member of Congress

IRL:en

cc: Mr. John B. Geisen, President
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